

DOCKET FILE COPY ORIGINAL
Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAR - 9 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
) CC Docket No. 95-116
Telephone Number Portability) NSD File No. L-98-16

Comments of Illuminet, Inc.

Illuminet, Inc. ("Illuminet") hereby files these comments on the February 20, 1998 Petition for Extension of Time filed by Southwestern Bell Telephone Companies ("SWBT") and Pacific Bell in the above-captioned proceeding.¹ Illuminet is a third party provider of Local Number Portability ("LNP") services and the administrative functions associated with implementing these services. Illuminet's LNP products provide arrangements similar to those offered by other entities, including SWBT.²

SWBT has requested that the Phase I deadline be extended from March 31, 1998 to May 26, 1998, the Phase II deadline be extended from May 15, 1998 to June 26, 1998, and the Phase III deadline be extended from June 30, 1998 to July 27, 1998.³ In order to justify its request, SWBT must meet the test prescribed by Federal Communications Commission ("Commission"):

a carrier seeking relief must present extraordinary circumstances beyond its control in order to obtain an extension of time. A carrier seeking such relief must demonstrate through substantial, credible evidence the basis for its contention that it is unable to comply with [the Commission's] deployment schedule. Such requests must set forth: (1) the facts that demonstrate why the

¹ See Public Notice, DA 98-407, released March 3, 1998; see also Petition for Extension of Time of Southwestern Bell Telephone Company and Pacific Bell, CC Docket No. 95-116, filed February 20, 1998 ("SWBT Petition").

² Illuminet's comments are limited solely to the request made by SWBT. Illuminet is aware of the regional database platform issue affecting all carriers within certain regions of the country. The SWBT Petition, however, is not based on this region-wide problem.

³ See SWBT Petition at 1, 3.

carrier is unable to meet [the Commission's] deployment schedule; (2) a detailed explanation of the activities that the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time; (3) an identification of the particular switches for which the extension is requested; (4) the time within which the carrier will complete deployment in the affected switches; and (5) a proposed schedule with milestones for meeting the deployment date.⁴

SWBT has failed to comply with these Commission-prescribed standards.

The SWBT Petition provides a description of the various internal resources which SWBT is applying to resolve its Signal Transfer Point ("STP") software problem. SWBT is not, however, confined solely to internal solutions to comply with its LNP obligations.⁵ Third party vendors were and are available to assist any entity in meeting its LNP obligations.⁶ SWBT has not demonstrated why, once it identified its STP software problem, seeking these alternative arrangements was "beyond its control." Nor has SWBT demonstrated why the availability of the third party arrangements is not relevant to whether SWBT is, in fact, "unable to meet" the Commission's Phase I, II and III deadlines. The fact that SWBT has relied solely on internal resources does not negate the fact that third party LNP options available to SWBT could have been used on an interim basis in order for SWBT to meet the Phase I, II and III LNP deadlines.

⁴ In the Matter of Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 96-115, 11 FCC Rcd 8352, 8397 (para. 85)(1996)("First Report and Order"); see also 47 C.F.R. § 52.3(3).

⁵ See, e.g., First Report and Order, 11 FCC Rcd at 8404 (para. 104)("Parties may negotiate third-party access to non-incumbent LECs' carrier-specific databases on an individual basis").

⁶ Illuminet, for example, devoted significant resources to developing and testing its LNP products in order to ensure that these products were commercially available by October 1, 1997 and, to date, has entered into arrangements with numerous incumbent local exchange carriers and competitive local exchange carriers ("CLECs") for LNP services. Illuminet also is aware of other entities that offer similar LNP products and services.

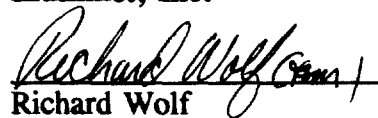
SWBT's requested delay will affect the provision of competitive services to end users;⁷ a delay also will disrupt the efforts of CLECs and other entities which have worked diligently toward meeting the Commission-prescribed deadlines. In addition, parallel marketing activities by CLECs, related vendor activities in support of CLEC services, and, ultimately, customer expectations will be affected adversely by any delay. Under the current schedules, these entities' resources will be put to productive use in the Houston market as of March 31, 1998, as well as in the other SWBT Phase II and Phase III markets as of the Commission-prescribed deadlines.

While SWBT has not sustained its burden that compliance with Commission directives was "beyond its control," Illuminet recognizes that, in light of the timing of the SWBT request, it may be infeasible not to permit a one-time, minimal extension of time of the LNP deadlines to SWBT. Accordingly, a one-time extension should be granted to SWBT. This extension of time should be only for the period necessary for SWBT to make interim third party arrangements in the markets at issue, which Illuminet anticipates will take significantly less time than that requested in the SWBT Petition.

Respectfully submitted,

Illuminet, Inc.

By:


Richard Wolf
Director, Regulatory Affairs
4501 Intelco Loop
P.O. Box 2902
Olympia, Washington 98507
(360) 493-6242

March 9, 1998

⁷ See, e.g., First Report and Order, 11 FCC Rcd at 8354 (para. 2).

CERTIFICATE OF SERVICE

I, Colleen von Hollen, do hereby certify that on this 9th day of March, 1998, a copy of the foregoing Comments of Illuminet, Inc. was sent via U.S. mail, postage prepaid, to the following parties:

Colleen von Hollen
Colleen von Hollen

Jeannie Grimes *
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street, NW, Suite 235
Washington, DC 20554

ITS *
1919 M Street, NW, Room 246
Washington, DC 20554

Robert M. Lynch
Durward D. Dupre
Southwestern Bell Telephone Company
Pacific Bell
One Bell Plaza, Suite 3703
Dallas, TX 75202

Nancy C. Woolf
Southwestern Bell Telephone Company
Pacific Bell
140 New Montgomery Street
Room 1522A
San Francisco, CA 94105

* Via Hand Delivery